

REMARKS

Claims 1-11 are pending in this application. Claims 1 and 11 are independent. Based upon the Remarks contained herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-11 under 35 U.S.C. § 102(b) as being anticipated by *Shanton* (U.S. Patent No. 5,680,452). Applicants respectfully traverse these rejections.

Preliminary Comments

In support of the Examiner's rejection of all of the claims, the Examiner cites to entire disclosure of *Shanton* to support his assertion that the claims are anticipated. The Examiner fails to provide any specific references in the *Shanton* reference that provide Applicants with an understanding of what portions of the reference the Examiner is relying upon to establish *prima facie* anticipation. As such, Applicants can only guess as to how the Examiner is interpreting the reference. Should the Examiner maintain his rejection of the claims, Applicants respectfully request the Examiner provide specific citations to *Shanton* that clearly identify what elements and portions of the *Shanton* reference he is relying upon to support the claim rejections so that Applicants may have sufficient opportunity to respond to Examiner's assertions in a new, non-final Official Action.

Claim Rejections under 35 U.S.C. § 102(b)

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Shanton* discloses necessity determination means for determining whether or not received data needs to be encrypted and encryption means for encrypting data which is determined as having to be encrypted before being stored in a storage apparatus to output. Applicants respectfully disagree with the Examiner's characterization of this reference.

The disclosure of *Shanton* is directed to a distributed cryptographic object method that includes a standard object tracking mechanism that is used to allow users to distribute to other individuals multiple encrypted objects embedded in a single encrypted object. By affecting compartmentalization of every object by label attributes and algorithm attributes, multi level multi media security is achieved (Abstract).

The disclosure of *Shanton* relates to computer security systems and means of restricting access to data. In *Shanton*, data encrypted can be decrypted and used by the user who has access authority. When data encrypted by cryptographic technology is to be used, the encrypted data is only used by those individuals who are designed to have access to the encrypted data.

In contrast, the present invention as set forth in claim 1 recites an encryption processing apparatus comprising necessity determination means for determining whether or not received data needs to be encrypted. Based upon the determination made at the necessity determination means, the encryption processing apparatus includes an encryption means for encrypting data which is determined as having to be encrypted before being stored in a storage apparatus to output. *Shanton* fails to teach or suggest these claimed elements. *Shanton* is merely directed to restricting access to the encrypted data. As *Shanton* fails to teach or suggest all of the claimed elements, Applicants respectfully submit that claim 1 is not anticipated by *Shanton*. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-10 are allowable for the reasons set forth with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claim 11 includes elements similar to those discussed above with regard to claim 1 and thus claim 11 is not anticipated by *Shanton* for the reasons set forth above with regard to claim 1.

Conclusion

If the Examiner has any questions concerning this application, the Examiner is requested to contact Catherine M. Voisinet, Reg. No. 52,327 at the telephone number below. Facsimile communications may be sent to facsimile number (703) 205-8050.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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